

# Order

Michigan Supreme Court  
Lansing, Michigan

September 19, 2014

Robert P. Young, Jr.,  
Chief Justice

149005

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 149005  
COA: 319565  
Berrien CC: 2011-005465-FH

DENNIS LINC HOLBROOK,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the February 21, 2014 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration of whether the circuit court improperly imposed a fine, in light of our decision in *People v Cunningham*, 496 Mich 145 (2014), and if so, whether the circuit court's imposition of a \$750 fine constitutes plain error affecting the defendant's substantial rights. Contrast *People v Franklin*, 491 Mich 916 (2012), with *Johnson v United States*, 520 US 461, 467-468 (1997).

We direct the Court of Appeals' attention to the fact that we have also remanded *People v Konopka* (Docket No. 149047) to the Court of Appeals for consideration of similar issues. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



s0916

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 19, 2014

  
Clerk